

COMMON CARRIER ANNUAL EMPLOYMENT REPORT

[Please read instructions before completing and for Notice regarding public burden.]

SECTION I - General Information

1. Name and Mailing Address of Respondent

RCN Telecom Services of Illinois, LLC
2640 W. Bradley Place
Chicago, IL 60618☐ Check here if this
is a change of
address.

2. Year Report Filed

2019

3. Reporting Period (Ending Date of Pay
Period Covered by Report)

3/22/19

4. Number of Full-Time Employees during Selected
Reporting Period (check one):

- a.
- ☐
- Fewer than 16 (complete Sections I, IV, and V only)
-
- b.
- ☒
- 16 or more (complete all sections)

SECTION II - Full-Time Employees.

SECTION II - Full-time Employees															
Job Categories	Number of Employees (Report employees in only one category)														
	Race/Ethnicity														
	Hispanic or Latino		Not-Hispanic or Latino												
			Male						Female						
			Male	Female	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native
Executive/Senior Level Officials and Managers First/Mid-Level Officials and Managers Professionals Technicians Sales Workers Administrative Support Workers Craft Workers Operatives Laborers and Helpers Service Workers TOTAL PREVIOUS YEAR TOTAL	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
			1												1
	3	2	15	8		2		1	3	6		1			41
	2		2	1	1	1				2		1			10
	3	5		4	1			2							17
	4	3	3	6		2		1							35
	5		2	1					1	11					16
	6	5		12									1		22
	7														0
	8														0
	9														0
10	18	7	48	32	2	5	0	4	4	19	0	2	1	0	142
11	23	5	45	26	2	2	0	4	4	23	0	2	1	0	137
FCC 395															

SECTION III - Part-Time Employees.

Job Categories	Number of Employees (Report employees in only one category)															Total Columns A - N
	Race/Ethnicity															
	Hispanic or Latino		Not-Hispanic or Latino							Female						
			Male													
	Male	Female	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races		
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O		
Executive/Senior Level Officials and Managers	1.1													0		
First/Mid-Level Officials and Managers	1.2													0		
Professionals	2													0		
Technicians	3													0		
Sales Workers	4													0		
Administrative Support Workers	5													0		
Craft Workers	6													0		
Operatives	7													0		
Laborers and Helpers	8													0		
Service Workers	9													0		
TOTAL	10	0	0	0	0	0	0	0	0	0	0	0	0	0		
PREVIOUS YEAR TOTAL	11	0	0	0	0	0	0	0	0	0	0	0	0	0		

SECTION IV - Report of Discrimination Complaints Pursuant to 47 CFR 22.321, 23.55, 90.168, 101.4, and 101.311.

☐ This is to advise the Commission that no complaints regarding violations of the equal employment provisions of Federal, state, territorial, or local statutes have been filed against this company before any body having competent jurisdiction in such matters during the calendar year covered by this report.

☒ This is to advise the Commission that the following complaints alleging violations of the provisions of any equal employment opportunity statute have been filed against this company. (Attach a list indicating parties involved, date filed, courts or agencies before which the matter has been heard, file number or other designation, and current status or disposition.

SECTION V - Certification

I certify that to the best of my knowledge, information, and belief, all statements in this report are true and correct.

Date

05/31/2019

Typed or Printed Name of Person Signing

Kenneth Conrad

Signature



Telephone No.

(609) 681-2189

Title of Person Signing

Vice President, Human Resources

WILLFULLY FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (18 U.S.C. 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (47 U.S.C. 312 (A)(1) AND/OR FORFEITURE (47 U.S.C. 503).



RCN Telecom Svc. Of Illinois, LLC
2640 W. Bradley Place
Chicago, IL. 60618

RE: FCC Form 395 Section IV
2019 Filing Year

Charge: Wage Claim - IL. Department of Labor (DOL)
EEOC Charge - Americans Disability Act - Disability / Retaliation

Charge #: IL DOL – 17-002447
EEOC - 440-2018-01634

Employee:

Filing Date: September 9, 2017 – DOL
December 11, 2017 – EEOC

Background:

Wage Claim:

Employee was hired on as a technician on July 25, 2011. Employee is no longer employed by the company. At the time of these claims they were and out on a LOA. Individual claimed that they are owed wages as a result of wages not being paid from September 2011 through June 2017. Employee states they are owed wages for 207.5 hours of unpaid lunch breaks in which the employee actually never took and worked. RCN received the formal complaint from the IL DOL on April 10, 2018.

Disability Claim:

Employee also then filed a Disability and Relation charge with the EEOC on December 11, 2017. In the charge individual stated that he had requested reasonable accommodations for a disability and were not provided resulting in their discrimination. At the time the company was unaware of any specific accommodation request as a result of a disability.

Status:

May 2018 - The Company submitted a written response via outside counsel to the IL Department of Labor (DOL) on April 30, 2018. At this time the claim resides with the IL DOL and the company is awaiting their response of our answer and information sent. **May 2019** - While the EEOC charge and DOL charge were running concurrently the company was represented by outside counsel who responded back to the IL DOL and also drafted companies response to the EEOC ADA charge. As part of the EEOC process a mediation session was set up to see if the issue could be resolved. As a result of mediation the company agreed a not fault small settlement amount and both claims were closed and resolved.



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RE: FCC Form 395 Section IV
2019 Filing Year

Charge: Race / Retaliation Charge – EEOC
Lawsuit – US District Court For Northern Division of Illinois Eastern Division

Charge #: EEOC – 440-2017-06377
18 – CV-07038

Employee:

Filing Date: September 28, 2017
October 19, 2018

Background:

Employee was hired on October 31, 2011 as a technician and was promoted to Installation Supervisor in March 2014. Employee was performing in 2015 at satisfactory level, however began to experience performance issues in 2016 resulting in needs development rating on the annual evaluation. This resulted in numerous one on one meeting with management and an improvement plan being created for the employee. The employee's supervisory performance issues continued into 2017 resulting in a final written warning being issued to them on May 17, 2017. The employee's performance issues continued following the written warning which resulted in the decision by management to separate employee's employment with the Company on August 14, 2017. Following separation employee filed charges with the EEOC in September 2017 stating their belief that the separation of employment was a result of the company discriminating against him due to being denied a promotion due to his race and retaliation as a result of complaining about racial discrimination.

Status:

The company and employee participated in the EEOC's formal mediation program and employee and company were unable to reach an agreement. The company submitted through outside counsel our formal written position statement to the EEOC on April 6, 2018. At this time the matter resides with the EEOC investigator assigned to the charge. No further action required at this time. **May 2019 Update** - Ex-employee obtained outside counsel and in August of 2018 the ex-employee and their attorney requested that the EEOC close their investigation and issue a Notice of Right to Sue which they did and

was mailed to the company on August 21, 2018. The ex-employee and their attorney filled a lawsuit against the company on October 19, 2018. The lawsuit process started and the judge assigned to the case requested as part of their legal process conducts an upfront settlement conference. Through this settlement conference process the ex-employee and the company came to a reasonable settlement to resolve our differences and issues have been resolved.



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RE: FCC Form 395 Section IV
2019 Filing Year

Court Action: Lawsuit – United States District Court for the Northern District of Illinois Eastern Division

Case #: 18-CV -04575

Employee:

Filing Date: July 2, 2018

Background:

This individual had filed charges against the Company with the EEOC back in December 2017. One for Retaliation, Disability and also filed a prior charge of retaliation prior in January of 2017. Both charges were described in our 2018 report. In both cases the EEOC closed the charges with no finding of discrimination / retaliation and issued right to sue notifications to the employee. The last notification with right to sue was issued in April 2018. The ex-employee whose employment was separated in August 2017 filed suit against RCN with the US District Court of the Northern District of Illinois Eastern Division on July 2, 2018 alleging that the company discriminated against her based on a disability and retaliated against her for engaging in protected activity.

Status:

The company responded to the legal action and hired outside counsel and the trial process began. The company and counsel responded with an answer to the complaint and the discovery process started. The judge assigned to the case scheduled a settlement conference as part of their normal practice to encourage both parties to settle matter out of court. At this settlement conference the ex-employee and the company with the assistance of the magistrate came to a reasonable closure and no fault settlement to the claims of discrimination. This case is now closed.



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**RE: FCC Form 395 Section IV
2019 Filing Year**

EEOC Charge: Claim of Discrimination - Race, Color, Age, Sex, Retaliation
Charge #: 440-2018-01919
Filing Date: July, 5 2018

Court Action: Lawsuit filed in US District Court for the Northern District of Illinois Eastern Div.
Case # : 18-CV-6959
Filing Date: October 16, 2018

Employee:

Background:

This individual was employed by the company as a building relation representative hired in September 2015. During late 2017 an allegation was made against this individual for inappropriate actions against a fellow employee after a weekend non-work related event sometime during mid to late summer 2017. This issue was never brought to the company's attention until December 2017 at which time once notified by the other employee making the allegations against this employee the company immediately began an investigation. This individual was extremely upset by the allegations. During this investigation the employee accused of the inappropriate behavior made allegations that they were being treated differently within the department due to the darkness of their color were fellow employees within their department were being treated better due to their light complexion and given opportunities not being provided to them. The company investigated both allegations. The company upon completing the investigation was unable to determine any inappropriate behavior occurred and found there was no facts supporting the complaint of poor treatment due to the darkness of their skin, and company representatives counseled both parties to maintain appropriate professional behavior in the workplace as these allegations created morale issues with department that both employees worked in. These morale issues continued with allegations of unfair treatment and difficulty with the team being able to work together. Ultimately the employee who made the allegation resigned and left the company however the employee in question who was originally accused of the inappropriate behavior continued to struggle that the allegations were made and how the company handled the action. During this time the position the employee held was changing and evolving which also created difficulty for the individual. Ultimately employee requested and was approved for a medical leave of absence in July 2018 shortly after she filed charges of discrimination with the EEOC in earlier that month. Employee obtained outside counsel and

after filing the EEOC charges on July 5th, 2018 the employee and their attorney requested a dismissal of charges and a notice of rights to sue letter / finding from the EEOC which was completed and mail on July 16th, 2018 prior to any investigation of the allegations for discrimination were reviewed by the EEOC. In October 2018 the employee and their employee and their attorney filed a lawsuit against the company in the US District Court for the Northern District of Illinois Eastern Division for similar claims as related to their EEOC charge. While employee was out on approved leave their whole department was restructured and ultimately the role that they originally were employed for was eliminated. As a result once the leave ended the employees employment ended as they were unable to obtain another position within the company. Following the end of the leave claim the individual appealed the decision by our disability carrier which actually overturned the decision to end the leave and individual was provided with additional pay from the disability benefits and is currently being reviewed for Long term disability benefits.

Status:

The company responded to the legal action when the suit was filed and had outside counsel assist and the trial process began. The company and counsel responded with an answer to the complaint and the discovery process was to get started. The judge assigned to the case scheduled a settlement conference as part of their normal practice to encourage both parties to settle matter out of court if possible. At this settlement conference the ex-employee and the company with the assistance of the magistrate came to a reasonable closure and no fault settlement to the claims of the allegations made. This case is now closed.